

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

UNITED STATES OF AMERICA,)
 Plaintiff,)
vs.) CASE NO. 5:96CV128
) (Financial Litigation Unit)
NORMAN DEAN WHEELER,)
 Defendant.)
and)
)
SHERRILL FURNITURE COMPANY,)
 Garnishee.)

ORDER OF CONTINUING GARNISHMENT

The United States obtained a judgment against the Defendant, Norman Dean Wheeler, ("Wheeler"), on February 11, 1997, in the amount of \$19,081.67 plus interest and costs. Subsequently, the United States sought to garnish Wheeler's wages. On November 15, 2006, the Court entered a Writ of Continuing Garnishment ("Writ") to Garnishee, Sherrill Furniture Company, ("garnishee"). The United States is entitled to a wage garnishment of up to 25% of Wheeler's net income and has satisfied the prerequisites set forth in 15 U.S.C. §1673.

On November 22, 2006, Donna Wheeler, a person of suitable age and description residing in the defendant's usual place of abode accepted service of the writ of garnishment for Norman Wheeler, and no answer has been filed by defendant Wheeler.

The garnishee was served with the writ of garnishment on or about November 27, 2006. The garnishee filed an Answer on or about November 29, 2006, stating that at the time of the service of the Writ the garnishee had in their custody, control or possession property or funds owned by the debtor, including non-exempt, disposable earnings.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$27,352.90 computed through November 14, 2006. The garnishee will pay the United States up to 25% of Wheeler's net earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments, and the garnishee will continue said payments until the debt to the plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to Wheeler or until further Order of this court.

Payments should be made payable to the United States Department of Justice and mailed to the United States Attorney's Office, 227 West Trade Street, Suite 1650, Charlotte, North Carolina 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number 5:96CV128.

The plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the defendant would normally receive may be offset and applied to this debt.

Signed: December 28, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

